DOCUMENT RESUME

ED 126 169 UD 016 127

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TITLE The Social Reform Organization and Recruitment of Professionals: Lawyers and the OEO Legal Services Program. Discussion Paper 344-76.
INSTITUTION Wisconsin Univ., Madison. Inst. for Research on Poverty.
SPONS AGENCY Office of Economic Opportunity, Washington, D.C.
REPORT NO IRP-DP-344-76
PUB DATE Mar 76
NOTE 49p.; A substantial revision and extension of Discussion Paper 247-74

EDRS PRICE MF-$0.83 HC-$2.06 Plus Postage.
DESCRIPTORS Educational Background; Family Background; Family Income; Family Status; *Lawyers; Legal Aid; *Legal Aid Projects; *Participant Characteristics; *Participant Involvement; Political Affiliation; Political Influences; Political Socialization; *Professional Services; *Social Action; Social Attitudes; Social Change; Socialization; Social Organizations; Social Responsibility
IDENTIFIERS *Legal Services Program

ABSTRACT

The characteristics of professionals recruited into the Legal Services Program sponsored by the Office of Economic Opportunity are examined in this paper. It finds that, contrary to the literature on activist professionals, Legal Services was not dominated by lawyers with elite family and educational backgrounds or with prior commitments to political activism. The composition is heterogeneous in composition, and quite similar to the bar on a number of variables, especially those relating to educational background, political socialization, and parents' social status. The consequences of this heterogeneity for three intra-organizational variables are briefly examined. Findings indicate that lawyers who graduate from elite law schools or how were previously active in reform politics are somewhat more likely to be in activist local programs, but young, elite, or activist lawyers are much less likely to be directors of local programs and these lawyers tend to leave Legal Services earlier than other lawyers participating. The most striking effect of background variables is on length of service. Implications of findings for the redistribution of professional services are discussed. (Author/AM)

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ED126169

DP-344-76

THE SOCIAL REFORM ORGANIZATION AND RECRUITMENT OF PROFESSIONALS:

Lawyers and the OEO Legal Services Program

U S DEPARTMENT OF HEALTH, EDUCATION & WELFARE
NATIONAL INSTITUTE OF EDUCATION

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Howard S. Erlanger

March 1976

This paper is part of a much broader study of the Legal Rights Movement, in which I am collaborating with Joel F. Handler and Ellen Jane Hollingsworth. I am grateful to them and to our earlier collaborator, Jack Ladinsky, for their extensive work on all phases of the project and for their advice on the present paper, and to Gerald Marwell, Mayer Zald, and Michael Aiken for their comments on an earlier draft. For the research assistance and programming which made this paper possible, I am indebted to Irene Rodgers, Pramod Suratkar, Anna Wells, Nancy Williamson, Tonee Brinkman, and Michael Soref.

This work was supported by funds granted to the Institute for Research on Poverty at the University of Wisconsin by the Office of Economic Opportunity pursuant to the Economic Opportunity Act of 1964. Responsibility for what follows remains with the author. This paper is a substantial revision and extension of Discussion Paper 247-74 of the Institute.

UD 016127

ABSTRACT

The 1960s marked the growth of a variety of programs to redistribute professional services to citizens who had previously received little or none. This paper examines the characteristics of professionals recruited into the largest such program, the OEO sponsored Legal Services Program. It finds that, contrary to the literature on activist professionals, Legal Services was not dominated by lawyers with elite family and educational backgrounds or with prior commitments to political activism. Rather it was quite heterogeneous in composition, and quite similar to the bar on a number of variables, especially those relating to educational background, political socialization and parents' social status.

The consequences of this heterogeneity for three intra-organizational variables are briefly examined. It is found that lawyers who graduated from elite law schools or who were previously active in reform politics were somewhat more likely to be in activist local programs; but young, elite, or activist lawyers were much less likely to be directors of local programs and these lawyers tended to leave Legal Services earlier than other lawyers participating. The most striking effect of background variables is on length of service, where older lawyers whose prior job was in solo practice are found to have the lowest turnover. The implications of these findings for the redistribution of professional services are discussed.

THE SOCIAL REFORM ORGANIZATION AND RECRUITMENT OF PROFESSIONALS:
Lawyers and the OEO Legal Services Program

Introduction

One thrust of the social reform movements of the 1960's was an attack on the prevailing orientations of the established professions, such as law, medicine, etc. Professionals, it was argued, had either never had or had substantially abandoned the ideal of public service, which many writers see as part of the uniqueness of professional occupations[1] (Barber, 1963; Hall, 1969; Moore, 1970). Instead, the critics held, professionals were delivering services primarily to those who could afford to pay for them, and were using professionalism as a method of "mystifying" the public and of aggrandizing their own status and power (e.g., Lefcourt, 1971a). Much of the political activity and social criticism by the reform movements came, of course, from the relatively well bred and well educated young -- the college and immediate post-college population (see, e.g., Flacks, 1971; Skolnick, 1969).

In the mid- and late 1960's, this population had an opportunity to directly confront the problems it had pinpointed, as it entered the market for professional jobs. Popular and scholarly literature suggests that many candidates tried to put their ideals into action by choosing one of a variety of alternative forms of non-traditional practice. These forms include but have not been limited to (1) taking previously unpopular and demeaned jobs such as working in ghetto schools, hospital clinics, or churches and trying to change the form and upgrade the quality of services (see e.g., Herndon, 1968; Kohl, 1969; Law, 1972); (2) seeking out or organizing new types of professional practice such as free schools (see e.g., Postman, 1972); neighborhood health clinics (see e.g., Geiger, 1972); law communes (see e.g., Lefcourt, 1971b); or public interest law firms (see e.g., Borosage, et al, 1970; Marks, 1972); and (3) demanding concessions from traditional employers, such as time off to do public service work (see e.g., Borosage, et al, 1970;

Marks, 1972).[2] By many reports, a new breed of professional had emerged, referred to as the "activist," "advocate," or "new" professional (Demont, 1970; Gross and Osterman, 1972a).[3]

At the same time these developments were taking place in the private sector, a number of public programs emerged, providing professional services to groups that previously were underserved, and taking a more activist stance than previous government efforts. These programs involved professionals in a variety of areas, such as law, architecture, and social work (Gross and Osterman, 1972b), and often the governmental programs dwarfed those of the private sector in terms of money and personpower. This was most clearly the case in law, where, in spite of considerable pro bono efforts in the private sector, the OEO Legal Services Program became the mainstay of the day to day efforts to deal with the legal needs of the underrepresented (Moonan and Goldstein, 1972), and became the largest and best known of the activist governmental programs involving professional services.

As the preceding account suggests, the impressionistic literature has generally assumed that professionals in social reform roles in the 1960's were "new professionals," who could be characterized as being young, coming from highly educated or professional families, being among the best graduates of the best schools, coming from liberal political backgrounds, and having been politically active themselves. It certainly seems plausible that persons with these characteristics would be attracted to reform oriented professional roles, but it is also clear that social reform organizations will attract personnel with a variety of backgrounds, political interests, and reasons for joining (cf. Zald and McCarthy, 1975). In particular, one would expect such heterogeneity in a large scale government sponsored effort such as the OEO Legal Services Program. Most notably, in addition to any political factors attracting women

and ethnic minorities to such a program, we would also expect these groups to be overrepresented because of the attractiveness of governmental employment. Although the Federal Government has had a mixed record on its stated commitment to offering an "equal opportunity" worksetting, its record, particularly in the mid-1960's, was clearly better than that of the private sector.

Other spurs to participation in large scale reform organizations, factors which vary in their compatibility with the "new professionals" literature, include the following: For the young professional, a government sponsored social action program can offer an attractive opportunity to gain practical experience in the field. The Legal Services Program for example, put the young lawyer into direct contact with clients, and offered immediate court experience. Although much of this experience is with low status clients and in lower level courts, it still may offer a good opportunity to "get one's feet wet" and prepare for a future career. A large scale government program can also be attractive to older professionals. For example, for an older activist professional a program like Legal Services can offer an opportunity to be involved in social reform on a larger scale than one could on one's own. For an older struggling professional, such a program can offer an opportunity for more stable employment, perhaps with largely the same clientele as he or she was serving before.

The first part of this paper examines the recruitment pattern of the Legal Services Program in the early stages of its existence, focusing on lawyers participating in the Program in 1967, the first full year in which the program had a large number of local offices operating. This section will show that, contrary to standard characterizations of Legal Services, its participants formed a quite heterogeneous group, different from the rest of the bar on a few key variables, but otherwise remarkably similar to it.

The second part of the paper briefly considers some possible consequences of this heterogeneity within the organization. In a program such as Legal Services, in which there are numerous local programs and in which each handles its own recruitment, one consequence could be a bifurcated effort. Participants with one type of background or motivation - say young lawyers with prior political activism - could tend to be concentrated in certain local offices, both because of selective recruitment and self-selection by recruits. Different interests could in effect capture local programs and direct local efforts in the way which they thought most appropriate. Alternatively, the organization could be heterogeneous within local programs as well. In this case, the characteristics of the local directors may be important, because of the director's power to set policy at the local level. Again, the question would be whether certain groups, such as the stereotypic "new professionals" were over- or under-represented among directors. Finally, an organization is not defined by its character at a single point in time, but rather by its nature over time. This is in turn partly dependent on its participants over time. If there is heterogeneity in the types of lawyers who join Legal Services, then an important issue is the extent to which lawyers with various backgrounds differ in their length of service in the program.

Methods

The data presented for Legal Services lawyers are from a stratified random sample of all known participants in the Program in 1967.[4] The interviews were conducted by telephone by the staff of the Wisconsin Survey Research Laboratory in late 1973; the average interview length exceeded one hour.[5] The

sample was stratified by region and city size and by program quality as rated by a panel of lawyers highly knowledgeable about 1967 Legal Services. The responses from the strata were weighted to correspond to the estimated true distribution over the strata.[6] The sample is biased (to an unknown degree) in that it underrepresents persons with short tenure in a program, persons who have dropped out of the legal profession since leaving Legal Services, and persons who are too mobile to be located in spite of our extensive inquiries through a variety of sources.

Characteristics of Legal Services lawyers will be compared to those from age stratified disproportionate random samples of lawyers listed in legal directories, interviewed in Fall 1973 or Spring 1974. The primary directory used was the Martindale-Hubbell Directory of Lawyers (1972), but since that directory underincludes solo practitioners, lawyers not in private practice, and, especially, young lawyers (Ladinsky, 1964), a supplementary sample was drawn from state legal directories. The latter sample was constructed by first drawing fifteen states at random (with the probability of being chosen conditional on the number of lawyers in the state) and then sampling from the most complete list of lawyers available for that state.[7] Responses were then pooled and weighted to correspond to census reports of the age distribution of lawyers in 1972,[8] and to correct for the varying sampling ratios employed. Lawyers who received their law degrees after 1967 or whose 1967 job turned out to be in Legal Services were dropped from this comparison group.

In the first part of the paper, in which Legal Services lawyers are compared to the bar, the argument is primarily one of no differences. Hence, the analysis relies primarily on bi-variate cross tabulations. Significance levels and measures of association would at any rate be difficult to compute

because the oversampling of Legal Services lawyers creates an artificially skewed dependent variable. The large sample size would also render relatively small differences statistically significant.

Readers should also note that in spite of the marked differences between Legal Services and the bar on age, sex, and race, the analysis here does not control for these factors. This is because the "new professionals" argument seems to be concerned with gross descriptive differences between people in organizations like Legal Services and those in traditional employment, without regard to generational or other differences. The background characteristics analyzed do vary by race, sex, and age,[9] but extensive analysis controlling for these factors does not change the substantive conclusions reached in this paper.[10]

Unweighted sample sizes and the weighted distribution are shown in Table 1. Since the weights distort cell sizes, all tables which follow show unweighted Ns. However, all percentages and regression coefficients are computed with the appropriate weights.

The Organization: OEO Legal Services Program[11]

By all reports, before the early 1960's the number of lawyers representing the poor, or working on social-reform causes such as racial integration, consumer interests, or environmental protection, was very small. A few private groups, most notably the NAACP Legal Defense Fund and the American Civil Liberties Union, worked with low budgets and small staffs (although often with great success); some government agencies were committed to social reform through legal action and employed a relatively small number of lawyers to engage in law-reform litigation. The legal needs of the poor in criminal matters were often neglected; until the Gideon decision in 1963 the right

Table 1

Sample Sizes and Weighted Distribution

Lawyers in OEO Legal Services Program

Rated Quality	Unweighted N	Weighted Percentage
Excellent	88	19
Medium	133	70
Poor	63	11
	284	100%

Lawyers in National Sample of the Bar[1]

Year of Birth	Source[2]	Unweighted N	Weighted Percentage
before 1928	MH	527	58
1929-1938	MH	207	20
1939-1943	MH	139	8
1944 +	MH	2	0
before 1943	SD	142	14
		1017	100%

1. Includes lawyers who graduated in 1967 or earlier, had not retired by 1967, and whose 1967 job was not in OEO Legal Services.

2. MH = Martindale Hubbell; SD = state directories sample.

to free legal counsel was not recognized, and the majority of the population remained unserved (National Legal Aid and Defender Association, 1973). When the civil needs of the poor were served, it was through pro bono (free or reduced-fee) efforts of the private bar or through Legal Aid Societies (Smith, 1919; Brownell, 1951; Marks, 1972). Although they date back to 1876, Legal Aid Societies have been notoriously weak in both size and services (see, for example, Carlin, et al., 1966; Pye, 1966).

Beginning with the early 1960s there was increased activity in both the private and public sectors, as the civil rights movement and the "New Frontier" of the Kennedy Administration brought a greatly increased focus not just on the need for providing legal services to underrepresented groups, but also on the idea that massive social reform and increased justice could be achieved through law-reform activities, including litigation against governmental agencies. This also continued to be a major period of successful activity for older organizations like the NAACP, and certain governmental agencies, most notably the Civil Rights Division of the Justice Department, were also very active.

By late 1964 there was widespread agreement that the federal government should take an active part in the sponsorship and funding of legal services for the poor. Sponsors of a reform-oriented program (for example, Cahn and Cahn, 1964) had to make some concessions to existing Legal Aid societies and to the organized bar in order to gain the support needed for federal legislation to establish the LSP under the auspices of the Office of Economic Opportunity (OEO). Although these concessions allowed the old Legal Aid societies to apply for LSP status and gave the local bar a certain degree of veto power, the fears of those who opposed these compromises (for example, Pye, 1966; Wright, 1967) proved only partially justified. From the beginning, the LSP directors took a very strong stance in favor of law reform (Stumpf, 1968;

Griffin, 1967), and after some early hesitation law reform became the dominant official ideology of the LSP, and more importantly, an explicit part of program evaluation. Finman (1971) reports, for example, that in the late 1960s the national office would intervene in a local program if the program failed to take up law-reform issues.

It is not clear exactly how much the LSP offices as a group have engaged in law-reform activity, but there is no doubt that certain programs were heavily involved and acquired a strong local, and even national, reputation both for their readiness to sue governmental authorities and for the quality of their suits (see, for example, Finman, 1971; Miller, 1973). In 1969, for example, conservative Republicans in California tried to block the appropriation for the California Rural Legal Assistance program because of its successful class-action suits. The success of the program can also be gauged by the vigor with which its opponents tried, perhaps with partial success, to emasculate it by creating a "Legal Services Corporation."

Although some opportunities exist to do law-reform work for underrepresented groups while still holding a traditional position, most lawyers engaged in this work work opt for full or nearly full-time positions outside the traditional realm of private practice (Marks, 1972; Moonan and Goldstein, 1972; Borosage et al., 1970). The overwhelming majority of these lawyers, in turn, are in Legal Services. In 1967, Legal Services included about 1200 lawyers (out of about 250,000 in the bar) in 250 projects with 850 offices and a budget of about $30 million. By 1974 it had a budget of over $70 million (McCarthy and Zald, 1973).

Recruitment Patterns

A. Age

The only attribute of the stereotypic "new professional" which distinguishes Legal Services lawyers from others in the bar is age. Table 2 shows that 40% of 1967 Legal Services lawyers were new or recent law school graduates, having graduated in 1965 or later. This compares to only 12% of the bar. Nonetheless, almost as many (37%) had graduated over five years before the formation of the Legal Services Program in 1965.

B. Race and Sex

Apart from age, the strongest predictors of participation in the Legal Services Program are race and sex. For a variety of reasons generally unrelated to the "new professionals" phenomenon, the Legal Services Program would be expected to have much higher percentages of blacks and women than the bar as a whole. Most importantly, the structural barriers would be weaker because of the government funding and because of the social-reform nature of the program; in addition, for both women and blacks the financial rewards of private practice are more limited, so the income foregone would on the average be less than for white males. Women also are more likely to be socialized to social service roles, and blacks may be more likely to identify with underrepresented people because of their own experiences. Blacks and women historically were overrepresented in Legal Aid work and are overrepresented in government work in general.

Table 3 shows a striking heterogeneity by race and sex in the Legal Services Program, compared to the bar as a whole, which in 1967 was almost totally comprised of white males. Ninety-nine percent of the bar was white, and 96% of those whites were male. In the Legal Services Program, by contrast, only 74% of the lawyers were white males, with the remainder evenly divided between white females and non-whites (most of whom were male).[12]

Table 2

Year of Graduation from Law School[1]
(Cumulative, weighted percentages)

Year of Grad.	Bar	LSP
Before 1945	32	9
1946-1955	62	23
1956-1960	75	37
1961-1964	88	60
1965	91	71
1966	95	90
1967	100	100
(N)	(1017)	(285)

1. Three percent of the respondents did not graduate from law school and were assigned a year of graduation equal to their year of birth plus 24 years. All of these respondents fell into the oldest category shown.

Table

Distribution by Race and Sex
(weighted percentages)

	Bar	LSP
Whites		
Male	96	74
Female	3	13
Blacks		
Male	1	12
Female		1
Other Nonwhites		
Male	—	0.4
	100%	100%
	(1017)	(284)[1]

1. One person in LSP sample is missing data on both race and sex.

C. Social and Educational Background

1. Social Status of Family of Origin

Participants in the Legal Services Program are already an elite in that the college population is quite disproportionately drawn from families in the upper-income and upper-occupational strata, and the law school population is even more so (Warkov and Zelan, 1965). Much of the literature on the new professionals suggests that even within this elite, Legal Services lawyers would have higher status backgrounds (e.g., Moonan and Goldstein, 1972). However, one could easily expect the opposite, since this type of practice would be one in which lawyers of less elite background would be more comfortable and one which would be less of a "step down." Essentially, the disagreement is moot, because there are no appreciable differences between 1967 Legal Services lawyers and other lawyers on SES characteristics. Table 4a shows this for father's occupation; much the same finding emerges when mother's occupation, or father's or mother's education, is examined. On the latter variables differences follow no clear pattern and are slight.

2. Political-Religious Orientation of Parents

The data show only a slight relationship between political socialization variables and participation in the Legal Services Program. Legal Services lawyers are clearly less likely than other lawyers to report that, when they were growing up, their fathers were conservative (Table 4b). Nevertheless, only about a quarter of Legal Services participants report a liberal upbringing. Differences by father's or mother's political party (not shown) are less pronounced than differences by political stance, although there is a tendency not to have been Republican. Parents of Legal Services lawyers are no more likely than

Table 4

Characteristics of Family of Origin

	LSP	Bar
a. Father's Occupation		
Professional	24	25
Proprietor-Manager	36	38
Other	40	37
	100%	100%
(N)	(266)	(979)
b. Father's Political Stance		
"Liberal"	27	18
"Moderate"	49	41
"Conservative"	24	42
	100%	100%
(N)	(261)	(965)
c. Mother's Religion		
Protestant	45	55
Catholic	27	25
Jewish	28	20
	100%	100%
(N)	(275)	(983)

parents of other lawyers to have been involved in social-reform activities. All in all, then, the data provide no evidence that the "red diaper syndrome" (Keniston, 1968) holds for Legal Services participants.

Although Jews have often been identified with social reform activities, Table 4c shows that they were only slightly overrepresented in the 1967 Legal Services Program; for white males, the difference between the Legal Services Program and the bar is greater (31% to 19%). Catholics are also somewhat overrepresented among white males (34% to 28%); this is especially true for lawyers graduating after 1964 (45% in Legal Services, compared to 21% of the bar).

3. Prior Political Activity

In terms of prior political activity, the 1967 Legal Services lawyer also fails to confirm the new professional stereotype. Table 5 shows a remarkable absence of reported political activity for all lawyers; the overwhelming majority report having totally abstained from political activity -- including such traditional activities as distributing campaign material -- in both college and law school. For lawyers who graduated before 1965, less than 5% report having been involved in any kind of reform politics--such as civil rights marches, boycotts, ACLU work--prior to graduation from law school, and this does not vary between people in the bar and people in the Legal Services Program. Among the lawyers graduating in 1965 or later there was an increase in reform activity, and also a greater tendency of Legal Services lawyers to have engaged in such activity. A quarter of Legal Services lawyers, compared to 10% of lawyers in the bar, report that they were engaged in reform oriented politics prior to graduation from

Table 5

Prior Political Activity in College or Law School

	LSP	Bar
Reform	14	4
Traditional Only	13	14
None	73	82
	100%	100%
(N)	(280)	(1017)

law school. However, given the tumultuous times of the 1960s, the Legal Services figure seems strikingly low.

4. Educational Background

Indicators of law school quality and of individual performance in law school are those stressed most in the literature on Legal Services. There seems to be widespread agreement that, especially in the early years, the Legal Services Program was primarily staffed by lawyers from elite backgrounds. This was certainly the belief at the national office, which, however, kept no records on the matter. Burt Griffin, an early national director of Legal Services believed that overrepresentation of elites was bad policy and argued strongly for increased recruitment from the night schools, a traditionally disparaged course of talent (Griffin, 1967).

Table 6 shows no difference between Legal Services lawyers and the bar in attendance at national law schools. Moreover, Legal Services lawyers were actually somewhat less likely to report that they graduated in the top quarter of their law school class[13] (39 percent to 49 percent). However, about the same percent in each group report that they had the opportunity to be on law review[14] or that they clerked for a judge.

D. Prior Job Experience

Although Legal Services lawyers in 1967 were predominantly recent graduates, only about a quarter of them were on their first job. This, combined with the relatively low discriminating power of social and educational background variables, suggests that prior job experience may be critical in predicting who will join Legal Services.[15]

Table 6

Type of Law School Attended

	LSP	Bar
Major National School	15	16
Major Regional School	27	21
Other	58	63
	101%	100%
(N)	(278)	(991)

The new professionals literature might lead one to expect that a substantial percentage of Legal Services lawyers with prior jobs may have been "drop outs" from elite practice, especially from the larger firms, which handle mainly corporate work. But this is probably an unrealistic expectation because, if nothing else, Legal Services work would entail a fairly substantial cut in salary compared to a large firm. The literature on legal aid work and on private practice with low status clientele would suggest that since serving the poor has always been marginal work, since the type of clientele served by Legal Services is similar to that found in much of solo practice, and since solo practice may be financially precarious at times, lawyers in solo practice would be the most likely to join Legal Services.

Table 7 compares the immediate prior job of Legal Services lawyers with the job left by other lawyers who were changing jobs in the period 1965-68.[16] Lawyers graduating after 1965 are shown separately, because the pattern for them was quite different. Further controls for year of graduation do not affect the findings.

A major finding in the table, and one which cuts across the year of graduation, is the tendency for Legal Services lawyers not to come from firms or of five or more members. This is especially noteworthy since a five member firm would generally be considered small. Forty-three percent of the lawyers graduating before 1965 came to Legal Services from solo practice or from a firm of less than five members, compared to twenty-four percent of other lawyers changing jobs in a comparable period. These are generally considered low status forms of practice (Carlin, 1962, 1966).

Table 7

Prior Job

Table compares LSP lawyers who had prior job, with lawyers in the bar who changed jobs in the period 1965-1968.

	Grad Before 1965		Grad 1965-67	
	LSP	Bar	LSP	Bar
Solo Practice	27	11	1	4
Firm of 2-4 lawyers	16	13	8	12
Firm of 5+ lawyers	5	13	5	31
Legal Rights Field	10	1	16	6
Salaried Business Counsel	4	16	12	7
Other (mostly salaried counsel for government)	22	18	39	16
Non-Law Job	2	8	16	14
Combination of above types	14	19	3	9
	100%	99%	100%	99%
(N)	(166)	(194)	(45)	(72)

Legal Services lawyers were also more likely to have moved from a job in the "legal rights" area (most of these legal rights jobs were in legal aid or public defender programs, although some were with social reform organizations). Younger Legal Services lawyers were much less likely than either older Legal Services lawyers or other lawyers changing jobs to have come from any form of private practice; two-thirds came from salaried jobs, especially in the legal rights field or in government.

Lawyers moving into Legal Services also had lower incomes than other lawyers changing jobs. This could indicate their marginality to the mainstream of the profession, or it could mean that only lawyers with relatively modest incomes could "afford" to move into low paying Legal Services work. The income difference was sharpest for lawyers graduating in 1960 and earlier, among whom only 25 percent of the Legal Services participants were making $15,000 or more, compared to 55 percent of other lawyers changing jobs.

The Effects of Recruitment on Organizational Variables

Although social and educational background variables had little power in discriminating between Legal Services lawyers and other lawyers in the bar, this does not mean that these variables are irrelevant. Given that Legal Services drew on a very heterogenous group, an important issue is whether this heterogeneity persisted across key organizational variables, and also whether the few variables which predict participation in the organization also have predictive power on intra-organizational variables. Data exist for the examination of three such organizational

characteristics: distribution of personnel across program quality; distribution across local program directorships; and length of service in the organization.

A. Quality of Local Programs

Within Legal Services there has been enormous variation in reputed quality of local programs. Some programs have been very active, especially in law reform litigation, and have even garnered national reputations outside of social reform circles. At the other extreme, some programs were simply local legal aid programs which had shifted funding but not ideology. Since the high quality programs had most of the attention (from both supporters and critics), most people's image of Legal Services probably has been in reality their image of these programs. Thus, one might argue that beliefs about participants in the Legal Services Program are really about personnel in the highly visible programs.

Table 8 shows the result of a multiple classification analysis (MCA)[18] discriminating between being in a high quality program in 1967 and being in other local programs. The coefficient in the first column of the table is roughly equivalent to a zero order correlation coefficient, except in this analysis (1) there is a presumed causal order, and (2) each independent variable is considered as a group of dichotomous variables, one corresponding to each category, rather than as a single continuous variable. The coefficient in the second column is the corrected R^2 for the group. The values in the third column are equivalent to the unstandardized regression coefficients for the variables in the group; to make them more interpretable they are expressed as a mean score on the dependent variable (Andrews, et al., 1967 Melichar, 1965).

Table 8

Variables Which Discriminate Between
Being in an "Excellent" Program and Being in Another Program
(Multiple Classification Analysis)

Independent Variable[1] ( ) Unweighted N for each category[2]		Zero order R for this independent variable group	Corrected R^2 for this independent variable group	Mean on dependent variable for each category (dummy variable) of this independent variable group	Mean on dependent variable for each category of this independent variable, net of effect of all other variables in the Table.[3]
Grand Mean (Range 0-1)				.19	.19
Type of Law School Attended		.24	.05		
National	(43)			.42	.39
Major Regional	(62)			.14	.16
Other	(178)			.16	.16
Prior Political Activity		.22	.04		
Reform	(41)			.36	.33
Traditional Only	(49)			.29	.28
None	(190)			.15	.15

1. Only variables with R of $\geq$ .20 are shown
2. These N's do not always sum to 285, because the category for "missing data" on the independent variables is omitted from the Table. Such a category was, however, included in the regression model.
3. Multiple R for entire model = .29, corrected R^2 = .07.

The fourth column is equivalent to the third, except that here the mean scores are derived from a regression model which controls for all other variables shown in the table.

Program quality was judged by a panel which included a former national director of the Legal Services Program and several regional directors. All the highly visible litigation-oriented programs were judged "excellent" as were several programs which were primarily service-oriented but which had a reputation for aggressive pursuit of client interests. Only two variables, having attended a national law school, and being engaged in politics (especially reform-oriented) before graduation from law school, correlate at .20 or greater with being in a program of reputedly high quality. Together these variables explain seven percent of the variance.

The potential for type of law school and for prior political activity to explain the variance in participation in "excellent" programs is attenuated by the skewed character of that variable. Inspection of the MCA coefficients in Table 8 clearly shows that these two variables do have significant predictive power. However, all of the other attributes thought to be characteristic of "new professionals" have either a small or negative relationship to being in an "excellent" program.[19] For example, year of graduation had only a slight effect (R = .14), all of it being in a tendency for lawyers who graduated before 1955 to be in lower quality programs. Class standing (R = .13) and parents' activity in social reform organizations (R = .13) had only slight effects.[20] Three interrelated variables, high parental SES, father's being liberal, and mother's being Jewish had somewhat negative correlations with being in a program of reputedly high quality. Addition of all these variables increased the variance explained to twelve percent.

Thus it does not appear that the high quality, reform-oriented programs were "captured" by lawyers with elite background and prior political activism to the extent suggested by Finman (1971). Lawyers with elite training and with prior participation in reform politics did tend to be in these programs, but overall the characteristic new professionals formed a minority representation in the whole range of programs. This suggests that there may have been a fair degree of tension over program goals within programs as well as between the various programs. Of course, tension over goals arose from more than simply the prior orientations of the participating lawyers. (See, for example, the discussion in Carlin [1970]).

B. Local Program Directorships

The local program directorship is a position of relatively greater prestige and responsibility within the LSP. Obviously the importance and policy making power of the position has varied greatly among local programs, ranging from large programs constantly in the limelight, such as San Francisco Neighborhood Legal Assistance (see, e.g., Miller, 1973) to two-person offices in quiet towns. Sample size is not sufficient, however, for an analysis of directors by type of local program, but only for an analysis of program directors generally.

Table 9 shows the results of a multiple classification analysis of factors related to being a local program director. Although the 1967 LSP was numerically dominated by recent law school graduates, the directorships were much more likely to be held by older lawyers, probably because they had more experience. Analysis of the job held prior to joining Legal Services indicates, again, that the mere fact of having a job is an impor-

Table 9

Variables Which Discriminate Between
Local Program Directors and Non-Directors
(Multiple Classification Analysis)

Independent Variable[1] ( ) unweighted N for each category[2]		Zero order R for this independent variable group	Corrected R^2 for this independent variable group	Mean on dependent variable for each category (dummy variable) of this independent variable group	Mean on dependent variable for each category of this independent variable, net of effect of all other variables in the Table.[3]
Grand Mean (Range = 0-1)				.22	.22
Year of Graduation		.30	.08		
Prior to 1955	(71)			.34	.32
1955-1960	(41)			.28	.23
1961-1964	(67)			.31	.30
1965+	(104)			.06	.10
Type of Prior Job		.39	.13		
Solo Practice	(46)			.28	.21
Small Firm (2-4 members)	(35)			.16	.12
Larger Firm (5+ members)	(15)			.35	.34
Legal Rights Field	(19)			.14	.12
Salaried Business Counsel	(13)			.21	.19
Other (mostly salaried counsel for government)	(47)			.43	.42
Non-Law Job	(10)			.00	.11
Combination of Above Types	(26)			.46	.38
No Prior Job	(72)			.04	.11
Mother's Religion		.22	.04		
Protestant	(146)			.31	.27
Catholic	(74)			.19	.24
Jew	(55)			.12	.13

1. Only variables with R of $\geq$ .20 are shown
2. These N's do not always sum to 285, because the category for "missing data" on the independent variables is omitted from the Table. Such a category was, however, included in the regression model.
3. Multiple R for entire model = .46 corrected R^2 = .17.

tant predictor. But even among lawyers with prior jobs, a clear pattern emerges. Government lawyers and lawyers from the larger firms are more likely to have become directors. (This is especially true when we consider that many of the lawyers coming from a combination of jobs were in government work).

The local programs were thus disproportionately headed by older lawyers and lawyers who had moved over from other government jobs,[21] a composition quite in contrast to the predominantly young lawyers -- many of whom had no prior experience -- who made up the staff. The data also indicate that there were differences in politico-religious backgrounds between directors and staff. As Table 9 shows, although Jews were disproportionately represented in the Legal Services , they were much less likely than lawyers of other religious backgrounds (especially Protestants) to become local program directors. Lawyers with parents who were active in social reform, lawyers who were themselves active in reform politics, and lawyers with liberal fathers were all less likely to become directors. However, although the N's are small, those directors moving from private practice jobs do seem to have been more likely than comparable non-directors to have been heavily engaged in pro bono work and to have worked for change-oriented clients. At any rate, these politico-religious factors add little to the total variance explained.

C. Length of Service

Persons who remain in organizations longer than others are often in a position to have more influence over the character of the organization. They tend to have greater authority, and in general they know the ropes and can pursue their goals more effectively. In addition,

the "old timers" can have an important influence on the socialization of new recruits and may also affect both the organizational selection of recruits and the self-selection of potential personnel into or away from the organization. In studying an heterogenous organization, it is important to determine which groups tend to remain and thus be more likely -- although by no means certain -- to acquire these perquisites.

Although the Legal Services Program offers permanent employment, in fact only a minority of lawyers who were in the program in 1967 remained longer than five years. (Thirty-two) percent left after two years or less, another (38) percent left after three to five years and another (7) percent after more than five years. When the data were collected in 1973, (21) percent of the lawyers present in 1967 were still there. The average length of service for all lawyers in the 1967 Legal Services Program was (just under 4) years.

The multiple classification analysis in Table 10 indicates that lawyers with the attributes thought to be characteristic of "new professionals" on the average stayed in the Legal Services Program for a shorter period than did other lawyers. Being a more recent graduate, being in a high quality program, and having engaged in reform politics in college or law school are all negatively associated with length of service; having parents who were active in social reform is curvilinearly related.[22] In general, it was the older lawyers, those with administrative responsibilities (and higher incomes), those in programs judged to be of "medium quality," lawyers who had engaged in traditional politics, and those whose parents were moderately active in politics, who remained for longer periods of time.[23]

Table 10

Variables Predicting Length of Service
(Multiple Classification Analysis)

Independent Variable[1] ( ) unweighted N for each category[2]		Zero order R for this independent variable group	Corrected R^2 for this independent variable group	Mean on dependent variable for each category (dummy variable) of this independent variable group	Mean on dependent variable for each category of this independent variable, net of effect of all other variables in the Table.[3]
Grand Mean (Range 0-9)				3.94	3.94
Year of Graduation		.43	.18		
Prior to 1955	(71)			5.66	4.95
1956-1960	(41)			3.83	3.96
1961-1964	(67)			3.88	3.87
1965+	(104)			3.00	3.38
Quality of LSP Local Program		.23	.05		
"Excellent"	(88)			2.99	3.12
"Medium"	(132)			4.28	4.28
"Poor"	(63)			3.44	3.22
Prior Political Activity		.21	.03		
Reform	(41)			2.89	3.69
Traditional Only	(49)			4.42	4.52
None	(190)			4.08	3.93
Parents Active in Social Reform		.25	.05		
"Very" Active	(42)			4.21	4.22
"Somewhat" Active	(61)			3.20	3.27
"A little" Active	(60)			3.29	3.40
Not Active	(114)			4.51	4.38
Position in LSP		.22	.04		
Director	(67)			4.53	4.22
Ass't Director, or Senior Attorney	(73)			4.52	4.50
Staff Attorney	(143)			3.47	3.60

Table 10 Continued

Prior Job					
Solo Practice	(46)	.37	.13	6.02	5.22
Other	(165)			3.58	3.54
No Prior Job	(72)			3.54	4.06

1. Only variables with R of $\geq$ .20 are shown.
2. These N's do not always sum to 285, because the category for "missing data" on the independent variables is omitted from the Table. Such a category was, however, included in the regression model.
3. Multiple R for entire model = .60, corrected R^2 = .32.

But the most striking finding is that lawyers whose prior job was in solo practice were by far the most likely to remain. This finding seems inconsistent with the idea that solo practitioners are motivated by an entrepreneurial spirit (Carlin, 1962; Ladinsky, 1963), unless we assume that the non-entrepreneurial solos self-selected into the Legal Services Program or that the Legal Services was chosen for its more stable income. On the other hand, the persistence of solo lawyers in the Legal Services Program lends a new dimension to the progressive bureaucratization of the solo practitioner envisioned by Ladinsky (1963). Ladinsky noted that the work of solo practitioners is increasingly being taken over by trust departments, title insurance companies, accounting firms and other, often large scale, organizations. Thus, he argues, the lawyer who went into solo practice to pursue a varied practice may find that he or she must specialize -- taking a job with one of these lay organizations or concentrating on the work that is left over. Now it appears that the legal needs of the poor may be emerging as yet another specialty, and as yet another force leading the solo away from the presumed independence of solo practice.

Conclusion

The lack of importance of background factors in predicting participation in the Legal Services Program contradicts the characterizations in the literature on the new professionals. However it is important to keep in mind that such an even distribution across background variables is very striking in a legal aid program. Historically lawyers in legal aid work were very marginal to the profession, tending to be of low status social origin and to be graduates of what would generally be regarded as poor

quality law schools (cf. Carlin, et al., 1966). Prior to the advent of Legal Services, it would have been surprising to find lawyers from elite law schools or from high socio-economic backgrounds working full time in this type of practice. Thus, the fact that Legal Services recruited "only" its proportionate share of such lawyers is itself a noteworthy finding.[24]

The finding that the Legal Services Program apparently was not dominated by activist lawyers of liberal background and elite social status and education suggests that the impact of the Program was primarily structural rather than individual. The "radical" character of the Program did not lie so much in the personnel, but rather in what they were being hired to do, that is, represent individuals and groups that were virtually unheard from previously and who were often taken advantage of by others who had greater access to legal resources.

In addition, the impact of the Program on the redistribution of professional services is potentially greater when the staff does not primarily consist of people with strong prior commitments to working with the poor. If Legal Services lawyers had strong prior commitments, then the role of the Program would be to give an organizational locus to reform-oriented lawyers who might otherwise have done the same kind of work anyway. In this case, the impact of Legal Services would primarily be to free these lawyers from the need to worry about making a living wage while serving clients who generally could not afford to pay them.

By recruiting instead from a broad spectrum of the bar, the Program can serve to mobilize lawyers who, although they may have felt that there ought to be broader representation in the legal system, would not

necessarily have been active on their own. These lawyers would come from a variety of backgrounds and join for a variety of reasons. They may have served low income clients or other underrepresented groups not so much because of ideology but more as an incidental consequence of the type of practice they were in. The increase in reform effort is greater with this group, because there is less "borrowing" from other efforts. There is also more potential for redirecting the lawyer's subsequent career. These are, of course, all "potentials." The critical question becomes that of what happens to the organization and to the personnel over time.

The distribution of people with different backgrounds within social reform organizations has not generally been considered by writers, although its implications have been explored for organizations in general (McNeil and Thompson, 1971). In the Legal Services Program, background variables affected three organizational variables: participation in a local program of reputedly excellent quality; service as a local program director, and length of service. The effects on the first of these variables was relatively small, while for the latter two the effects were generally opposite to expectations. The finding that directors were disproportionately older lawyers with prior government service is clearly more likely to occur in a government program which begins with more bureaucratic linkages, which has more traditional criteria for funding and for the hiring of administrators, and which, in the case studied, had to make compromises with local establishment groups in order to get programs authorized. But it could well occur in any organization, especially one which attempts to set up a large scale program in a short period of time or one that in allocating funds uses criteria related to applicants' "proven record" of experience.

Varying implications can be drawn from the finding that the lawyers with the "new professional" image -- younger, more liberal background, more elite educational background -- spend less time in the program than other lawyers. Critics have suggested that the urge to do social reform work was a passing fancy, a fad spurred on by the political climate of the 1960's and by a favorable economic situation for professionals. This model would suggest that bright "do gooders" burn out from the often repetitious and demanding work and then leave to pursue more traditional elite careers. Older lawyers, and especially those with prior day-to-day experience handling the affairs of the poor (i.e.: former solo practitioners) would be more likely to stay, and the organization would basically become a variation of the traditional Legal Aid Society.

Since we have follow-up data on both the organization and its 1967 participants, this argument can be examined. The indications are that the scenario is incorrect. Analysis of 1972 participants in the Legal Services Program shows that they are similar in background characteristics to 1967 participants. Moreover, analysis of the activities of the Legal Services Program in 1972 indicates that, in spite of the criticism of the law reform efforts of the Program, these efforts actually increased between 1967 and the early seventies. The hypothesis that the lawyers who leave the Legal Services Program turn to traditional careers is also not borne out. Examination of the 1973 job held by former 1967 Legal Services lawyers shows a strong tendency to be in jobs with a public service component. They are much less likely than other lawyers to be in private practice or to be salaried counsel for business corporations. In addition, when in private practice they are much more likely to have low income or minority clients and to do pro bono work for change-oriented organizations. Thus

in a sense the personnel output of the Legal Services Program is more homogeneous than its input, and the organization appears to have a role in channeling part of the young bar into less elite careers, in addition to performing an important public service function directly (Erlanger, 1976).

Notes

1. In this paper, the term "professional" is used in the traditional way. The debate over whether there is a meaningful distinction between "professions" and other occupations is not considered here only because the debate is not integral to the argument being made.
2. Economic conditions gave an indirect boost to these activities, because in this period traditional employers were faced with a seller's market for professional services.
3. This movement has, of course, always had its critics who have argued that the new professionals were malicious (see, e.g., discussion in Moonan and Goldstein, 1972); that they never were seriously committed to change (e.g., Reynolds, 1970); or that the movement was just a passing fancy (e.g., Green, 1972). Others, however, have argued that the 1970s have brought an increase in momentum and the emergence of a new breed of professional student (see, e.g., Fox, 1974).
4. No complete records on lawyers employed in the Legal Services Program exist at the national, regional, or even local levels. A list of names was compiled by searching through LSP files in Washington and by extensive consultation with current and past program directors. Since there is no accurate count of how many lawyers were actually employed in local programs in that year, we do not know how complete the list is. However, we estimate that the list is over 80 percent complete.
5. We are grateful to the members of the WSRL staff for their diligence and especially to Charles Palit for his invaluable assistance in designing the sample and weighting procedures. Betsy Ginsberg also put in long, hard hours during the data-gathering stages of this project.

6. The completion rate varied over these strata, and over those for the bar sample discussed below. For the study as a whole, it exceeds seventy percent.
7. In many states this list amounted to a strict enumeration of all lawyers in the state.
8. The 1970 census figures were adjusted for the large influx of new graduates in 1970 and 1971.
9. White women lawyers in the Legal Services Program were much more likely than white males in the Legal Services Program to have come from families with high social status, or with a liberal orientation. They are also more likely to have attended a national law school, and to have engaged in prior reform activity. Non-white male lawyers were more likely than white males in the Legal Services Program to have come from professional families, and to have come from a liberal family, and much more likely to have engaged in prior reform politics. They are, however, less likely to have attended a national or major regional law school, or to report that they ranked in the first quarter of their class.
10. Because of small cell size in the sample of the bar, this analysis could only be carried out for white males, with controls for age.
11. An elaboration of many points discussed in this section may be found in another report from this project (Handler and Hollingsworth, 1974).
12. These findings on the bar as a whole are comparable to those of the census for 1970. More recently there has been a major change in the recruitment patterns of law schools which will eventually be reflected in the bar.
13. The assessment of class standing is difficult because of problems of knowledge and recall, and because of a tendency to exaggerate achievement.

Even though it is true that lawyers in the bottom quarter of their classes are less likely to practice law, it is still highly unlikely that over 40 percent of practicing lawyers graduated in the top quarter of their classes while less than 25 percent graduated in the bottom half, as our respondents report.

14. Not all students offered the opportunity to participate on Law Review accept; the honor is in the offer rather than the acceptance by the student.

15. One would expect that the relationships predicted by the new professionals literature would be clearest for lawyers choosing the LSP as a first job, since their decision-making would not be affected by prior job experiences. In general, this is the case. When white male LSP lawyers with no prior experience are compared to other LSP lawyers who graduated in the same period (1965-67), analysis shows that the lawyers without prior experience were higher on all educational measures except reputation of law school. They were also from families in which the father had higher occupational status, or higher ethnic status, but lower incomes. The lawyers with no prior experience were much more likely to be from families active in social reform, or where the father was not conservative. There was no difference in the percent Non-Protestant, or in prior political activity. LSP lawyers in their first job were much more likely than other LSP lawyers in their graduating cohort to cite an explicit social conscience motivation for joining the Program.

16. In this analysis, Legal Services lawyers who had a prior job are contrasted to those lawyers in the bar who changed jobs in the period 1965-68. (This period was chosen to be roughly contemporaneous to the

period in which lawyers were joining the 1967 LSP: it is a little longer in order to increase the N.) This control group is used instead of the whole bar because lawyers are rarely fired and tend, once established, to stay in a particular job for a long period of time. Thus many lawyers were not really "on the market" at the time recruitment to the LSP was taking place. Compared to other lawyers in the bar, the lawyers changing jobs between 1965-68 were more likely to have graduated after 1955, and, if they had a job in 1965, to have been in a salaried job rather than in private practice. Those in private practice were less likely to have been in solo practice.

17. One might also expect to find that Legal Services lawyers had fewer family obligations. Fendrich (1974), for example, predicted that former college activists who were married or who had children are less likely to continue in activist activities. However, he found that when other factors were controlled, marital status had no effect on political behavior. Similarly, lawyers moving into the LSP on the average had more children than did other lawyers changing jobs.

18. MCA is one of the many kinds of analyses deriving from the general linear model (Cohen, 1968). In this method, membership in each category of a nominal variable is treated in the linear equations as a dichotomous "dummy" variable. Thus the technique is also known as "dummy variable regression."

    Technically, the models in Tables 8 and 9 are discriminant functions rather than regression, because the dependent variables are dichotomous rather than continuous.

19. The results are similar if the dependent variable is operationalized as a continuum of quality, from excellent to poor.

20. Race and sex also had low associations with reputed quality of program.

21. Directors were also more likely to be male (R = .17), or non-white (R = .11).

22. Having a professional father, having a liberal father, being non-Protestant, and being from an elite law school were also negatively associated with length of service.

23. Race and sex have low associations with length of service, with whites and women being less likely to stay.

24. Characterizations of the "new professionals" seem to at least in part be based on ideas about the background characteristics of student activists. However, if the findings reported here are compared to the literature on college student activism, we see that on at least some variables the Legal Services findings are not out of line.

For example, it has been commonly asserted that student activists disproportionately come from high-income and professional and managerial families. Research findings have, however, been mixed. Although there have been many studies supporting this contention (such as Flacks, 1967; Keniston, 1968; Lyons, 1965; Mankoff, 1969; Thomas, 1971; Watts et. al., 1969; Westby and Braungart, 1966; and see also Lipset, 1968), they have generally been based on small samples, and have not always found strong or consistent relationships. There have also been several studies which, comparing activists to non-activists at the same or comparable colleges, have found no relationship to SES characterists (see, for example, Demerath, et. al., 1971; Dunlap, 1970; Hunter, 1972; Fendrich, 1974; Kahn and Bowers, 1970; Tygart and Holt, 1971). A similar situation exists in studies of political attitudes of students.

There is some controversy over whether the conflicting findings for family SES and student activism represent a shift over time (Dunlap,

1970) or rather an improvement in sampling and an inclusion of a control group (Finney, 1971). There certainly is reason to expect that as the student movement grew more acceptable, it would recruit from a broader base. However, even the studies of participants in the early years are not unequivocal (see, for example, Lyons, 1965; and Fendrich, 1974). Thus, since social status of family of origin has not been a consistent predictor of college activism, it is not surprising to find that it is not a strong predictor for entry into the Legal Services Program.

The primary divergences between the findings here and the literature on student activism are for the variables relating to parents' politics and to the participant's prior political activity. In general, the studies on student activism found stronger relationships than those reported here for these variables. (See studies cited above, and Lipset and Altbach, 1966).

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